

Article - Health Occupations

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§7-308.1.

(a) A personal representative of a deceased mortician's, funeral director's, or surviving spouse's estate shall be licensed by the Board before continuing operation of the mortuary science business.

(b) The Board shall issue an executor license to an applicant if the applicant:

(1) Is the appointed personal representative of a deceased mortician's, funeral director's, or surviving spouse's estate in accordance with the requirements established in Title 5 of the Estates and Trusts Article;

(2) Submits to the Board, within 30 days of the death of the licensed mortician, funeral director, or surviving spouse:

(i) Written verification of the death of the licensee;

(ii) Written verification of appointment as a personal representative; and

(iii) The application required by the Board;

(3) Within 14 days after the death of the licensed mortician, funeral director, or surviving spouse, submits to the Board the name of a licensed funeral director or mortician who has agreed to apply for a pre-need trustee license issued under § 7-308.2 of this subtitle; and

(4) Pays a fee set by the Board.

(c) Nothing in this section shall prevent a personal representative from selling the mortuary science business that was operated and wholly or partly owned by the licensed funeral director or licensed mortician.

(d) Except as provided in subsection (c) of this section, while an executor license is effective, it authorizes the licensee to:

(1) Continue operation of the mortuary science business that had been operated and wholly or partly owned by the deceased mortician or funeral director; and

(2) Assist with the planning and conducting of funeral services for that mortuary science business.

(e) The Board may issue a license under this section only if:

(1) The business is operated under the direct supervision of a licensed mortician or funeral director; and

(2) The embalming services are provided by a licensed mortician.

(f) (1) (i) Notwithstanding the provisions of § 7–314 of this subtitle, the Board shall provide for the term of an executor license.

(ii) The term of an executor license may not be more than 12 months.

(2) An executor license may be renewed for one additional 3–month period if:

(i) A buyer of the funeral establishment has been identified and has entered into a sales contract, but the sale of the funeral establishment has not been completed;

(ii) A pre–need account audit has not been completed and evidence is presented to the Board that failure to complete the audit is due to circumstances beyond the control of the funeral establishment; or

(iii) The Board determines that a renewal is needed due to unforeseen circumstances.

(g) A personal representative who wishes to continue operation of a mortuary science business upon expiration of the executor license must qualify and be licensed as a mortician or a funeral director, or be the holder of a surviving spouse or corporation license.

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